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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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CC Docket No. 92-297

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In the Matter of)
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Rulemaking to Amend Part 1 and)
Part 21 of the Commission's Rules to)
Redesignate the 27.5-29.5 GHz Band and)
to Establish Rules and Policies for)
Local Multipoint Distribution Service)
and for Fixed Satellite Services)
)

Opposition of AT&T Corp.

AT&T Corp. ("AT&T") hereby opposes the petition for partial reconsideration submitted by Motorola Satellite Communications, Inc. regarding the Commission's decision for sharing the 28 GHz band among four different categories of service providers.^{1/} Under the 28 GHz band plan, the spectrum will be used by terrestrial service providers (LMDS), geostationary fixed satellite service providers (GSO/FSS), nongeostationary fixed satellite service providers (NGSO/FSS), and feeder link operations for nongeostationary mobile satellite service providers (NGSO/MSS feeder links). As detailed herein, AT&T believes the Commission properly balanced these four different interests in developing the 28 GHz band plan, and thus opposes Motorola's petition for reconsideration.

^{1/} First Report and Order and Fourth Notice of Proposed Rulemaking, FCC 96-311, released July 22, 1996 (hereafter cited as "28 GHz Band Plan Order").

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AT&T is interested in this proceeding because it has applied for authority to construct, launch and operate the VoiceSpan® system of twelve Ka-band satellites, a GSO/FSS satellite system that will operate in the 28 GHz band. The VoiceSpan® Ka-band satellites will provide a variety of two-way interpersonal communication services and multimedia applications using 0.66 meter satellite antennas installed at the customer's premises. The VoiceSpan® system will make a multitude of beneficial services possible, using transmission rates spanning from 32 Kbps conventional voice and data to broader-band ISDN at rates of 144 Kbps to 1.544 Mbps.

In order for the VoiceSpan® system to be viable, however, AT&T will need access to at least 1000 MHz of spectrum in the 28 GHz band.^{2/} The 28 GHz Band Plan Order acknowledges this need and provides GSO/FSS systems with primary or co-primary access to 1000 MHz of spectrum -- 750 MHz on a primary basis (28.35-28.60 GHz and 29.5-30.0 GHz) and 250 MHz on a co-primary basis (29.25-29.5 GHz).^{3/}

Motorola, as a NGSO/MSS satellite system operator (through its IRIDIUM affiliate), is dissatisfied with the balance reached by the Commission in the 28 GHz band plan, and seeks access to 400 MHz in the 28 GHz band for its feeder links instead of the 150 MHz provided by the Commission. Although the Commission allocated 400 MHz of spectrum to NGSO/MSS feeder links

^{2/} E.g., 28 GHz Band Plan Order at n. 80; Letter from S. Goodman and W. Maher to S. Harris and M. Farquhar, dated March 7, 1996.

^{3/} 28 GHz Band Plan Order at ¶'s 57-58.

on a co-primary basis (29.1-29.5 GHz), Motorola was limited to the 29.1-29.25 GHz band "since Motorola indicates it will be unable to share with GSO/FSS systems in the adjoining band."^{4/} For that adjoining band (29.25-29.5 GHz) shared on a co-primary basis between GSO/FSS satellite systems and NGSO/MSS feeder link operations, the Commission specified sharing techniques based on a sharing solution developed by TRW and Hughes.^{5/}

Motorola objects to the Commission having incorporated particular sharing techniques into its Rules, because those techniques are specific to TRW's NGSO/MSS feeder link operations. Motorola asserts that the Commission should not specify any particular operating restrictions on the NGSO/MSS systems, but should simply allow case-by-case coordination to be utilized.^{6/} However, Motorola has previously indicated that it will not be able to share on a co-frequency basis with GSO/FSS satellite systems,^{7/} and nothing in its Petition suggests any greater ability or willingness to share presently.

Thus, when coupled with its oblique request for "first-come-first-served" sharing,^{8/} Motorola is seeking in its Petition

^{4/} 28 GHz Band Plan Order at ¶ 63.

^{5/} Those sharing techniques are reflected in Section 25.258 of the Commission's Rules.

^{6/} Motorola Petition at p. 6. Motorola asserts that the Commission should condition TRW's use of the band to reflect "its unique ability to avoid nodal regression." Id. at pp. iii and 10.

^{7/} 28 GHz Band Plan Order at ¶ 63.

^{8/} Motorola Petition at p. 9: "this coordination should be based on a first-come-first-served policy for resolving intractable coordination problems in the band."

an exclusive right to the 29-25-29.5 GHz band vis-a-vis the GSO/FSS satellite systems by virtue of its earlier launch schedule for IRIDIUM. Under Motorola's proposal, the GSO/FSS satellite systems would effectively be relegated to only 750 MHz of usable spectrum in the 28 GHz band.

Motorola has failed to justify a valid basis for its proposed expansion of its feeder link spectrum. Nowhere in its Petition does it even allege, much less demonstrate, that the 150 MHz made available to Motorola by the Commission in the 28 GHz band plan for its feeder link uplinks is inadequate. Nor has Motorola ever justified a need for 400 MHz of spectrum for its 28 GHz band feeder link operations. In contrast, the GSO/FSS satellite system proponents have demonstrated that access to 1000 MHz of spectrum in the 28 GHz band is necessary for successful deployment of these systems.^{9/} In sum, Motorola has not presented any valid basis for the Commission to reconsider its "masterstroke in compromise in an unprecedented spectrum allocation proceeding."^{10/}

Moreover, Motorola is not foreclosed from seeking access to the additional feeder link spectrum in the 28 GHz band. However, in order to gain such access, it will have to demonstrate that its operations can share the spectrum in the 29.25-29.5 GHz band with GSO/FSS satellite systems. The Rules now specify the only currently known sharing techniques that have proven acceptable to the GSO/FSS and NGSO/MSS satellite system

^{9/} See n. 2, supra.

^{10/} Motorola Petition at p. 2.

proponents.^{11/} Motorola remains free, however, to develop other sharing techniques, and if they prove workable to the GSO/FSS satellite system operators, Motorola can receive a waiver of Section 25.258 or have that provision amended. Until any such alternative techniques are developed, however, the current rule properly reflects the only acceptable sharing methodology.^{12/}

Similarly, Motorola potentially has the opportunity to seek coordination agreements in other parts of the world that do not precisely conform to the domestic 28 GHz band plan. The number or design of GSO/FSS satellite systems in other countries and/or the absence of LMDS systems may permit Motorola to use portions of the 28 GHz band in addition to the 150 MHz assigned in the United States. Indeed, Motorola appears to have already done so in Japan.^{13/} Thus, Motorola has not made any showing that its satellite system will be unable to operate efficiently as a result of the Commission's 28 GHz Band Plan Order.

^{11/} A sharing agreement was reached between TRW and Hughes, and supported by AT&T and other GSO/FSS system proponents. 28 GHz Band Plan Order at ¶ 72.

^{12/} Motorola also challenges the effectiveness of this sharing technique, claiming that ITU Task Group 4/5 has rejected this approach. Motorola Petition at p. 7. AT&T believes that Motorola has overstated the conclusion of that ITU Task Group. Rather, those experts only indicated that "it would be difficult to ensure this advantage" in certain situations. ITU-R/CPM-95, Conference Preparatory Meeting, Report to WRC-95 ¶ 3.1.7, Chapter 2, Section I, Part C. While AT&T agrees that this sharing technique may not work for all NGSO system designs, the agreement of two system proponents that will actually be sharing the spectrum demonstrates that it can be used effectively under certain conditions.

^{13/} Motorola Petition at n. 16.

Wherefore, AT&T urges the Commission to deny Motorola's Petition for Reconsideration. Motorola has not demonstrated that it is affected adversely by the band plan adopted by the Commission. In contrast, granting Motorola's request would disserve the public interest by reducing the spectrum available for GSO/FSS satellite systems to an inadequate level, thereby jeopardizing the manifold public benefits that those satellite systems will provide.

Respectfully submitted,

AT&T Corp.



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Dated: October 21, 1996

CERTIFICATE OF SERVICE

I, Mary-Helen Dove, do hereby certify that a copy of the Opposition of AT&T, dated October 21, 1996, has been served upon the following:

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